

SCANNED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Plaintiff,

v.

HOLYOKE WATER POWER COMPANY and  
CITY OF HOLYOKE GAS & ELECTRIC  
DEPARTMENT,

Defendants.

CIVIL ACTION NO.

04-30119-MAP

**NOTICE OF LODGING OF CONSENT DECREE**

The United States hereby notifies the Court that it has lodged with the Court a proposed Consent Decree that resolves the claims of both the United States in the above-captioned action, filed today, as well as the claims of the Commonwealth of Massachusetts ("Commonwealth") in Commonwealth v. Holyoke Water Power Company, also filed today.<sup>1/</sup>

Consistent with 28 C.F.R. Section 50.7, the proposed Consent Decree is lodged with the Court for public comment. Pursuant to Department of Justice policy, a Notice of the lodging of this Consent Decree and the opportunity to comment thereon will be published in the Federal Register. The United States will then receive public comments on the Consent Decree for the requisite thirty (30) day public comment period. After the public comment period has expired, the United States will respond to any comments timely received and move the Court

<sup>1/</sup> The Commonwealth will file a motion, pursuant to Fed. R. Civ. P. 42, seeking consolidation of these two actions.

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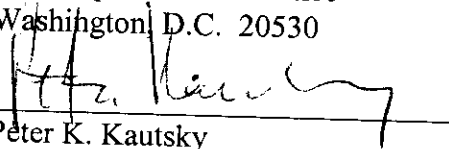
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to sign and enter the Consent Decree, should it still appear, after review of any comments, that the settlement is in the public interest. However, in view of the applicable public notice provisions of Massachusetts law, as set forth at M.G.L. Ch. 21E, § 3A(j)(2), the United States will not file a motion seeking entry of the Consent Decree until 120 days have passed from the lodging of the Decree. *During the pendency of these public comment periods, and until further notice from the United States, this Court should take no action with respect to the Consent Decree.*

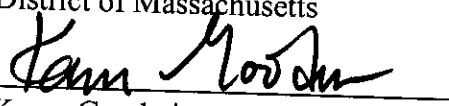
Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served, via first-class mail, this \_\_ day of  
June, 2004, on the persons listed below:

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